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Customer No.: 07278

Docket No: 02849/000G277-USO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/454,770

Conf. No.: 4218

Applicant: Clifford C. Thompson

G. A. U.: 3623

Filed: December 3, 1999

Examiner: Robinson Boyce, Akiba K.

For: RESIDENTIAL AND BUSINESS LOGISTICS SYSTEM AND METHOD

**APPELLANT'S BRIEF ON APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES
UNDER 37 C.F.R. 1.192**

Mail Stop Appeal Brief
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 7, 2004

Sir:

Appellant submits this brief, in triplicate as required under 37 C.F.R. 1.192, in connection with this Appeal to the Board of Patent Appeals and Interferences.

REAL PARTY IN INTEREST

The real party in interest in the present case is the named inventor. The rights of the inventor have not been licensed or assigned.

09/09/2004 BSAYASI1 00000067 09454770

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RELATED APPEALS AND INTERFERENCES

There are no related appeals known to appellant or appellant's representatives.

REQUIREMENTS UNDER 37 C.F.R. 1.192:

(1) STATUS OF CLAIMS

Claims 1-10 are pending in this application. Independent claim 1 stands rejected under the provisions of 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,105,014 to Ramsden et al. (hereinafter "Ramsden"). Claims 1-10 on appeal are set forth in **Appendix A** attached to this brief.

(2) STATUS OF AMENDMENTS

Appellant responded to a non-final rejection on October 17, 2003 by submitting an Amendment which has been considered and entered into the record.

(3) SUMMARY OF CLAIMED INVENTION

The present invention concerns a methodology in which parcels can be delivered to the location of an intended recipient, securely received within a receptacle at such location, and automatically register the placement of the parcel within the receptacle after it has been secured therein. In accordance with the claimed method, packages can be delivered and securely kept at the recipient's home, regardless of whether anyone is home to accept and retain the delivery.

See, e.g., 6:19-21

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In accordance with claim 1, a method for a carrier to deliver a parcel to a secure receptacle at the location of an intended recipient is recited. *See, e.g.*, 3:5-6, 7:19-20. The parcel is provided to the carrier together with delivery instructions. *See, e.g.*, 7:5-7, 11:11-16. The carrier is then dispatched with the parcel to the location of the intended recipient in accordance with delivery instructions. *See, e.g.*, 7:5-7, 11:11-16, Fig. 4, step 214. The location of the intended recipient corresponds to an address of the intended recipient included with the delivery instructions. *See, e.g.*, 9:1-7. Upon reaching the intended destination, the carrier accesses the receptacle, *see, e.g.*, 8:14-21, 11:17-21, Fig. 4, step 216, places the parcel within the receptacle, *see, e.g.*, 8:1-4, Fig. 4, step 224, and secures the receptacle, *see, e.g.*, 8:12-13, Fig. 4, step 228. The carrier is thereafter permitted to make further deliveries at additional locations. *See, e.g.*, 13:6-9, 13:18 through 14:3. After securing the parcel within the receptacle, the placement of the parcel within the secure receptacle is automatically registered. *See, e.g.*, 9:8-12, Fig. 4, step 230.

(4) ISSUE PRESENTED ON APPEAL

The sole issue presented in this appeal for review by the Board is whether the invention recited in claim 1 would have been obvious to one of skill in the art under 35 U.S.C. Section 103(a) over the disclosure of Ramsden.

(5) GROUPING OF CLAIMS

Claims 1-10 are grouped together.

(6) ARGUMENT

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The Examiner relies upon an overly broad reading of Ramsden in rejecting all claims as being obvious in view of Ramsden, and confuses the actions of the person dropping a parcel off for delivery by a carrier with the actions of the carrier in handling such packages. A brief review of portions of the Ramsden patent clearly illuminates that there are substantial differences over Ramsden in the way in which the claimed method is carried out.

A. Claimed Invention Is Fundamentally Different Than Ramsden

Ramsden always has packages placed in a secure receptacle by a sender for subsequent pick-up by a carrier, as the Examiner has noted. However, the claimed invention differs substantially from the methodology discussed in and suggested by Ramsden, because it is the carrier who is dispatched to the location of a secure receptacle in accordance with instructions associated with the parcel to deliver it to the intended destination. It is also the carrier who is advised of the location of the secure receptacle so that the carrier can go place the package within it and lock the receptacle.

In this way, a multiplicity of the secure receptacles can be arbitrarily placed throughout a region with the carrier being dispatched to any and all of these locations so as to deliver parcels to secure destination locations.

In contrast, Ramsden does not disclose a system or method of this type. Rather, Ramsden has the carrier always going to a predetermined location to pick up packages that have been dropped off by senders. The delivery destination in the Ramsden system presumably would only be secure if the parcel is received by a person, but Ramsden provides absolutely no

disclosure in that regard and therefore the entirety of the outstanding rejection, once the term “carrier” is accorded its proper meaning, is conjecture that is not even suggested by Ramsden.

B. Ramsden Sends Carriers to Specific, Predetermined Locations

The invention of Ramsden resides in handling the drop-off by customers of packages at an automated kiosk. Ramsden has only background-art pertinence to a delivery method as recited in claim 1. Ramsden is not at all concerned with the secure delivery of parcels to an address included in delivery instructions on a parcel. Instead, Ramsden addresses the problem of secure drop-off by a customer, but on the delivery side, *which is the subject matter of the claimed invention*, there is no teaching or suggestion in Ramsden that a parcel be delivered by a carrier and placed within a secure receptacle at the intended delivery location, nor that there be automatic registration of the placement of the parcel within the secure receptacle.

The location of the drop-off facility is always a known location subject to frequent service by the carrier, as exemplified in the following passages from Ramsden:

As noted above with respect to the other embodiments, parcels and envelopes in the storage area are picked up regularly by the service delivery persons.

Col. 23, lines 48-50.

The retail clerk then places the package in an appropriate location for subsequent pick-up by a commercial carrier.

Col. 25, lines 4-6.

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. . . and place the package or envelope 708 in a secure storage area until the carrier comes to pick up the packages and envelopes.

One or more times each working day, the carrier will come around and pick up packages and envelopes that are received and stored for shipment in the manner just described.

Col. 29, lines 17-23. In each instance, Ramsden describes centralized locations as drop-off points for its customers. The downstream delivery method which causes these packages to be delivered by the carrier is not discussed at all by Ramsden yet this is precisely the beginning point of the subject matter of the claimed invention.

C. The Claimed Method Concerns Actions By A *Carrier* Service

Ramsden et al.'s true teachings are inapposite to the claimed invention.

Claim 1 concerns the actions taken by a *carrier* such as United Parcel Service in delivering a parcel to a secure location. Ramsden, by contrast, concerns the actions of an individual desirous of having a parceled delivered, who brings a parcel to a central facility such as a kiosk for later delivery by a *carrier*.

The "carrier" described in the instant specification is one of several fleets of carriers that delivers packages. This is the conventional use of the term in this art, and Ramsden uses the term "carrier" in accordance with convention.

The Examiner has read the actions taken by the "carrier," as recited in claim 1, as being comparable to those taken by the individual who wishes to have a parcel delivered. However,

the Examiner's reading of "carrier" to be the person who drops off the package is contrary to the use of the term "carrier" in Ramsden.

The Examiner distorts the teachings of Ramsden in contending that individual could perform the steps of the "carrier." For example, claim 1 specifies that the carrier is provided with a parcel, the carrier is dispatched to a location in accordance with delivery instructions associated with the parcel, and that such location corresponds to the address in the delivery instructions. In contrast, Ramsden provides a kiosk in which packages are centrally dropped off by customers for delivery to destinations indicated on respective packages by carriers, but there is no secure receptacle for receiving the packages once the parcel is thereafter delivered by the courier. Thus, the invention would, at a minimum, augment and complement the system of Ramsden.

The carrier who is dispatched in step (a) is dispatched "with the parcel to the location of the intended recipient." The parcel necessarily is with carrier when the carrier is dispatched so that it can be placed within the secure receptacle in step (c). The individual in Ramsden does not perform these steps, as the Examiner seemingly contends. However, the Examiner's use of the actions by the individual at the kiosk as allegedly corresponding to the steps in the claimed delivery method completely falls apart if you consider a scenario in which the individual has two packages: he would have to drop one package in the kiosk and then go to some other location to make a further "delivery"? Surely, that makes no sense at all. Consequently, the Examiner's broad reading of Ramsden is untenable.

D. Comments On Ramsden In the File History

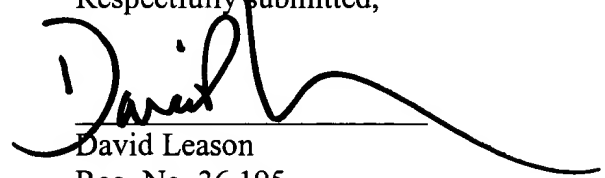
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In prior submissions in the subject application, Applicant has articulated various distinctions over Ramsden which the Board is requested to review.

In view of the foregoing arguments, reversal of the Examiner's rejections and allowance of all claims is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Leason", written over a horizontal line.

David Leason
Reg. No. 36,195
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700

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APPENDIX A

1. (Previously Presented) A method for delivering a parcel by a carrier to a secure receptacle at a location of an intended recipient, comprising the steps of:

(a) providing the parcel to the carrier and dispatching the carrier with the parcel to the location of the intended recipient in accordance with delivery instructions associated with the parcel, the location corresponding to the address of the intended recipient on the delivery instructions;

(b) accessing the secure receptacle;

(c) placing the parcel within the secure receptacle;

(d) securing the secure receptacle;

(e) permitting the carrier to make further deliveries at additional locations after having placed the parcel within the secure receptacle; and

(f) automatically registering the placement of the parcel within the secure receptacle after the securing step.

2. (Previously Presented) The method as in claim 1, including the additional steps of:

reading a code on the parcel in response to the securing step; and

storing the code in a memory.

3. (Previously Presented) The method as in claim 1, the registering step including the additional steps of:

accessing a remote location by a communication link; and

conveying the placement data to the remote location;

wherein the registering step is in response to and contemporaneously with the securing step.

4. (Original) The method as in claim 1, wherein the secure receptacle has a locked state and an unlocked state, and wherein the accessing step includes the additional step of:

moving from the locked state to the unlocked state in response to an authorized identifier.

5. (Original) The method as in claim 4, wherein the authorized identifier is received from at least one of: a magnetic strip card, a key pad, and a smart card.

6. (Previously Presented) The method as in claim 1, wherein the secure receptacle has a locked state and an unlocked state, and wherein the securing step includes the additional step of:

moving from the unlocked state to the locked state after receiving the parcel.

7. (Original) The method as in claim 1, including the additional step of generating a log entry in response to the accessing step.

8. (Previously Presented) The method as in claim 1, including the additional step of generating a log entry in response to the securing step.

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APPENDIX A TO APPEAL BRIEF

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9. (Original) The method as in claim 1, including the additional step of generating a log entry in response to the registering step.

10. (Original) The method as in claim 1, where in the placing step is performed at night.

Claims 11-39 (Canceled)



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
165.00**Complete if Known**

Application Number	09/454,770
Filing Date	December 3, 1999
First Named Inventor	Clifford C. Thompson
Examiner Name	A. Robinson-Boyce
Art Unit	3623
Attorney Docket No.	02849/000G277-USO

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
04-0100Deposit Account Name
Darby & Darby P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)
0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	10	-59** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	1	-7** =			0.00
Multiple Dependent					0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)
0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	165.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
165.00**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	David Leason	Registration No. (Attorney/Agent)	36,195	Telephone	(212) 527-7700
Signature		Date	September 7, 2004		

Express Mail Label No.

Dated: _____



Application No. (if known): 09/454,770

Attorney Docket No.: 02849/000G277-US0

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Fee Transmittal (1 pg.);

Appellant's Brief On Appeal To The Board of Patent Appeals And Interferences Under 37 C.F.R. §1.192 (8 pgs) (in triplicate);

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